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August 31, 2005

## VIA PRIORITY FEDERAL EXPRESS DELIVERY

Attn: Marlene H. Dortch, Commission Secretary Office of the Secretary Federal Communications Commission 9300 East Hampton Drive Capitol Heights, Maryland 20743

Re:

Subscriber Notification Report - September 1, 2005 Updated Report

SMR Advisors, Inc. doing business as Talk Parade

VoIP E911 Compliance Letter

WC Docket No. 05-196

Dear Ms. Dortch:

Pursuant to WC Docket No. 05-196, please accept this original Compliance Letter and four (4) copies as SMR Advisors, Inc. doing business as Talk Parade's response to provide E911 capabilities to subscribers.

A copy of this Compliance Letter is also being sent to Mr. Byron McCoy, Telecommunications Consumers Division; Ms. Kathy Berthot, Spectrum Enforcement Division; Ms. Janice Myles, Competition Policy Division; and Best Copy and Printing, Inc., Commission's copy contract via e-mail on August 31, 2005 pursuant to the FCC's Interconnected VoIP service providers to provide E911 capabilities July 29, 2005 Order.

I have also enclosed an extra copy of this letter to be time stamped and returned to me in the enclosed, pre-addressed, postage prepaid envelope.

No. of Copies roo'd 0 49 List ABCDE Ms. Marlene H. Dortch Commission Secretary VoIP E911 Compliance Letter August 31, 2005 Page 2

If you have any questions or if I may provide you with additional information, please contact me at the above address, telephone number or e-mail. Thank you for your attention to this matter.

Respectfully submitted,

Lance J.M. Steinhart
Attorney for SMR Advisors, Inc.
doing business as Talk Parade

## **Enclosures**

cc: Mr. Bob Charish

Mr. Byron McCoy (via e-mail to: byron.mccoy@fcc.gov)
Telecommunications Consumers Division, Enforcement Bureau

Ms. Kathy Berthot (via e-mail to: kathy.berthot@fcc.gov) Spectrum Enforcement Division, Enforcement Bureau

Ms. Janice Myles (via e-mail to: janice.myles@fcc.gov) Competition Policy Division, Wireline Competition Bureau

Best Copy and Printing, Inc. (via e-mail to: fcc@bcpiweb.com) Commission Copy Contractor Ms. Marlene H. Dortch Commission Secretary VoIP E911 Compliance Letter August 31, 2005 Page 3



## Subscriber Notification Report

WC Docket No. 05-196 SMR Advisors, Inc. doing business as Talk Parade

1. A detailed explanation regarding current compliance with the notice and warning sticker requirements if the provider did not notify and issue warning stickers or labels to 100% of its subscribers by the July 29, 2005 deadline. Providers expected to update this information include those that were in the process of providing notice and/or stickers to their subscribers, but had not completed the process by July 29, 2005.

**Response:** Effective August 9th 2005 SMR included in its shipment of all phone adapters a bright yellow notification card of SMR's E911 service and its limitations. Since August 10<sup>th</sup> we have been mailing out stickers to all existing customers with instructions to place it on or near their SMR VoIP phone. We estimate this should be completed to 80% of our customers by Sept 28<sup>th</sup>.

2. A quantification of the percentage of the provider's subscribers that have submitted affirmative acknowledgements as of the date of the September 1 and September 22 reports, and an estimation of the percentage of subscribers from whom the provider does not expect to receive an acknowledgement by September 28, 2005;

Response: SMR since its inception has required our customers during the signup process to acknowledge our terms and conditions which clearly stated that there was no way to dial 911 from their SMR VoIP phone. We have kept this language in the terms and conditions until we started offer E911 through our Network Provider Sipmedia. We therefore believe this notification meets the FCC requirements and hence 100% of our customer acknowledged our E911 limitations. Based on the above we do not plan of disconnecting service to any of our customers on Sept 28<sup>th</sup> even those that do not acknowledge our specific E911 notification.

As of Aug 31 2005 Seventy Six (76%) percent of our customers have acknowledged the specific SMR E911 Notification.

We estimate that 15% - 20% of our customer will not acknowledge the specific SMR E911 Notification by Sept 28th.

Ms. Marlene H. Dortch Commission Secretary VoIP E911 Compliance Letter August 31, 2005 Page 4

3. A detailed description of any and all actions the provider plans to take towards any of its subscribers that do not affirmatively acknowledge having received and understood the advisory;

**Response:** Based on the note above SMR does not plan on using a soft or warm disconnect on Sept 28<sup>th</sup>.

4. A detailed description of any and all plans to use a "soft" or "warm" disconnect (or similar) procedure for subscribers that fail to provide an affirmative acknowledgement by September 28, 2005. The Bureau notes that in their August 10, 2005 reports some providers, such as Teliphone, Inc. and Broadview Networks, Inc., state that they will use a "soft" disconnect procedure to disconnect those subscribers that ultimately do not acknowledge having received and understood the customer advisory. As the Bureau understands it, the soft disconnect procedure will either disallow all non-911 calls or intercept and send those calls to the provider's customer service department. Under this "soft" disconnect procedure, however, calls to 911 will continue to go to the appropriate Public Safety Answering Point (PSAP). A provider's September 1 and September 22 reports must include either a statement that the provider will use a "soft" or "warm" disconnect (or similar) solution as of September 28, 2005, or a detailed explanation of why it is not feasible for the provider to use a "soft" or "warm" disconnect solution, as described above.

**Response:** Please see Response to Question 3 above.